

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT ROSS,

Plaintiff,

v.

AT&T MOBILITY LLC, ONE TOUCH
DIRECT, LLC, and ONE TOUCH DIRECT –
SAN ANTONIO, LLC,

Defendants.

CASE NO. 4:19-CV-06669 (JST)

**JOINT CASE MANAGEMENT
STATEMENT & [PROPOSED] ORDER**

Hearing:

Date: January 12, 2021

Time: 2:00 PM

Place: Videoconference

Judge: Judge Jon S. Tigar

Pursuant to Civil Local Rule 16-10 and this Court's October 23, 2020 Order, Plaintiff Robert Ross ("Mr. Ross") and Defendant AT&T Mobility LLC ("AT&T") hereby submit this Joint Case Management Statement and Proposed Order. This Joint Case Management Statement identifies subjects covered by the initial Joint Case Management Statement and Order as to which there are updates or changes since the updated Joint Case Management Statement and Order filed October 16, 2020. Where the parties have disagreements in their respective submissions below, the fact that any assertion in either submission is not addressed or refuted by the opposing party does not reflect that party's agreement to the assertion at issue.

I. PROGRESS AND CHANGES SINCE LAST STATEMENT WAS FILED

A. MOTIONS

1. Changes Since Last Statement Was Filed With Respect To Potential Future Motions

AT&T anticipates that it might be required to file an additional motion to dismiss in response to Mr. Ross's First Amended Complaint. AT&T also anticipates filing a motion for summary judgment at an appropriate time. The parties anticipate that they may have to file discovery motions if the meet and confer process does not resolve discovery disputes.

B. AMENDMENT OF PLEADINGS

On December 21, 2020, Mr. Ross amended the Complaint adding One Touch Direct, LLC and One Touch Direct – San Antonio, LLC as Defendants, as well as an additional claim for fraudulent concealment and additional grounds for punitive damages on December 21, 2020. Dkt. 71. Mr. Ross also filed a first and second Errata thereto on December 21 and 22, 2020 respectively. Dkt. 74, 75. On January 4, 2021, the Court granted the parties' joint stipulation to extend the time for AT&T to respond to Mr. Ross's First Amended Complaint from January 5 to January 12, 2021.

Pursuant to agreement of the parties, the deadline for One Touch Direct, LLC and One Touch Direct – San Antonio, LLC to respond to the First Amended Complaint is January 25, 2021.

C. DISCOVERY AND DISCLOSURES

The parties have entered into a stipulated e-discovery order, Dkt. 50, and the Court has entered a protective order, Dkt. 57. Each party has served its initial disclosures pursuant to Fed. R. Civ. P.

1 26(a). Mr. Ross served his first set of requests for production and interrogatories on September 28,
2 2020, and AT&T served its responses and objections on October 28, 2020. Further, AT&T served
3 productions in response to these discovery requests on November 20, 2020 and December 23, 2020.
4 Likewise, AT&T served its first set of requests for production and interrogatories on October 5, 2020,
5 and Mr. Ross served his responses and objections to on November 12, 2020. Mr. Ross served his first
6 production in response to these discovery requests on December 30, 2020.

7 The parties continue to engage in the meet and confer process with respect to their respective
8 responses to written discovery.
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1 Dated: January 5, 2021

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), Ashley E. Johnson hereby attests that concurrence in the filing of this document has been obtained from all the signatories above.

Dated: January 5, 2021

/s/ Ashley E. Johnson
Ashley E. Johnson

[PROPOSED] CASE MANAGEMENT ORDER

The above JOINT CASE MANAGEMENT STATEMENT is approved as the Case Management Order for this case and all parties shall comply with its provisions.

IT IS SO ORDERED.

Dated: _____, 2021

HON. JON S. TIGAR
UNITED STATES DISTRICT JUDGE